

HOUSE JOINT RESOLUTION 85

By Kumar

A RESOLUTION relative to the reclassification of marijuana under the Controlled Substances Act.

WHEREAS, cannabis is a naturally occurring genus of plants; marijuana is a psychoactive substance extracted from various varieties of the cannabis plant; and

WHEREAS, marijuana is known to have psychoactive effects on the human brain; it is also known to have certain medical benefits, especially in the treatment of muscle wasting in AIDS, neuropathic pain, chemotherapy-induced nausea and vomiting, and multiple sclerosis spasticity symptoms; and

WHEREAS, the United States Food and Drug Administration (FDA) has approved synthetic forms of marijuana for use in the above four medical conditions; and

WHEREAS, these synthetic forms of marijuana are classified between Schedules II to V by the United States Drug Enforcement Administration (DEA) under the Controlled Substances Act, which makes these forms of marijuana available by prescription of a licensed physician; and

WHEREAS, conversely, marijuana is classified as a Schedule I drug, the most restrictive classification, by the United States Drug Enforcement Administration (DEA) under the Controlled Substances Act; Schedule I drugs are defined as those having the most potential for abuse and dependence, no established medicinal benefits, and a lack of acceptable safety; and

WHEREAS, it is obvious that the regulatory policies of the FDA and DEA are contradictory; and

WHEREAS, the DEA justifies marijuana's Schedule I classification based upon the lack of U.S. research on the substance; however, in a classic Catch-22 scenario, the classification itself prevents research that could demonstrate marijuana's medical efficacy and safety; and

WHEREAS, rescheduling marijuana would open up research opportunities to permit medical cannabis providers to substantiate their claims; and

WHEREAS, in *Washington v. Barr*, the United States Court of Appeals for the Second Circuit found that there was significant evidence demonstrating that marijuana relieved patient suffering and that the DEA had been "dilatory" in its consideration of its status under the Controlled Substances Act; the court also ordered the DEA to "promptly reconsider" its classification of marijuana as a Schedule I drug; and

WHEREAS, marijuana should be reclassified in the interest of public health and safety; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we urge and encourage the Drug Enforcement Administration to reschedule marijuana as a Schedule II drug under the Controlled Substances Act to ensure that marijuana is available for medically controlled use and research; so that patients who may benefit from medical marijuana, based on peer-reviewed scientific evidence, can be legally served; and evidence-based scientific research can be conducted to determine the benefits and harms of marijuana for various medical conditions.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the United States Attorney General, the Administrator of the Drug Enforcement Administration, the United States Secretary of Health and Human Services, and the United States Congressional delegation of the State of Tennessee.